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EXAMINER
SWARTZ, JAMIE H

ART UNIT	PAPER NUMBER
3684	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 July 2006*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 6-7 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

A claimed process is eligible for patent protection under 35 U.S.C. § 101 if:

> "(1) it is tied to a particular machine or apparatus, or (2) it transforms a particular article into a different state or thing. See Benson, 409 U.S. at 70 ('Transformation and reduction of an article 'to a different state or thing' is the clue to the patentability of a process claim that does not include particular machines.'); Diehr, 450 U.S. at 192 (holding that use of mathematical formula in process 'transforming or reducing an article to a different state or thing' constitutes patent-eligible subject matter); see also Flook, 437 U.S. at 589 n.9 ('An argument can be made [that the Supreme] Court has only recognized a process as within the statutory definition when it either was tied to a particular apparatus or operated to change materials to a 'different state or thing' '); Cochrane v. Deener, 94 U.S. 780, 788 (1876) ('A process is...an act, or a series of acts, performed upon the subject-matter to be transformed and reduced to a different state or thing.').[7]   A claimed process involving a fundamental principle that uses a particular machine or apparatus would not pre-empt uses of the principle that do not also use the specified machine or apparatus in the manner claimed. And a claimed process that transforms a particular article to a specified different state or thing by applying a fundamental principle would not pre-empt the use of the principle to transform any other article, to transform the same article but in a manner not covered by the claim, or to do anything other than transform the specified article." (*In re Bilski, 88 USPQ2d 1385, 1391 (Fed. Cir. 2008)*)

Claims 6-7 are rejected under 35 U.S.C. 101 because in claim 6 the applicant is claiming a method for generating a business process support system application without the use of a machine. The core steps are not taught as being done on a machine therefore they could be done manually by a human, which also makes the claim non-statutory. Claims 6-7 do not require a machine and do not perform a transformation and therefore are non-statutory under § 101. Also noted in *Bilski* is the statement, "Process claim that recites fundamental principle, and that otherwise fails 'machine-or-transformation' test for whether such claim is drawn to patentable subject matter under 35 U.S.C. §101, is not rendered patent eligible by mere field-of-use limitations; another corollary to machine-or-transformation test is that recitation of specific machine or particular transformation of specific article does not transform unpatentable principle into patentable process if recited machine or transformation constitutes mere 'insignificant post-solution activity.'" (*In re Bilski, 88 USPQ2d 1385, 1385 (Fed. Cir. 2008)*) It is also noted that the mere recitation of a machine in the preamble with an absence of a machine in the body of a claim fails to make the claim statutory under 35 U.S.C. § 101, as seen in the Board of Patent Appeals Informative Opinion *Ex parte Langemyr et al.* (Appeal 2008-1495).

Specification

2.   This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.   Claims 1-4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by

Cognos (2000).

5.   Regarding claim 1, Cognos teaches a system for generating business process

support system applications, comprising: core module containing a generic business

process support system (pg. 1); user interface module containing a generic user

interface (pg. 16); configuration module for providing configuration data to said core

module for configuring said business process support system applications (pg. 1).

6.   Regarding claim 2, Cognos teaches a data model of said generic business

process support system (pg. 4).

7.   Regarding claim 3, Cognos teaches wherein said core module is able to

communicate data from and to one or more databases in a generic format to and from

said user interface module (pg. 9-10, 15).

8.   Regarding claim 4, Cognos teaches wherein said configuration module

comprises different functional layers, each generating part of said configuration

information (pg. 4, 8, 10-11).

9.   Regarding claim 6, Cognos teaches a method for generating business process

support system applications, the method comprising the steps of: defining a generic

business process support system data model (pg. 1); defining a generic user interface

for a business process support system (pg. 16); configuring said business process

support system data model and said generic user interface (pg. 1).

Claim Rejections - 35 USC § 103

10.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

11.   Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Cognos (2000) in view of Nguyen (US 20040064731 A1).

12.   Regarding claim 5, Cognos teaches wherein said configuration module

comprises: a data connection layer, to generate part of said configuration data defining

relevant fields from relevant tables from said databases (pg. 10-12); an information

layer, to generate part of said configuration data defining how data from said fields from

said tables of said databases forms relevant information for ii the end user (pg. 8, 10-12); process layer, to generate part of said configuration data, defining how said information can be used by the end user (pg. 5). Cognos teaches accessing data and users accessing data but does not specifically go into authorization layers. However, Nguyen teaches an authorization layer, to generate part of said configuration data defining the authorization information of each end user (¶ 31). Cognos teaches an end-to-end integrated warehousing analysis and reporting program. Nguyen teaches the updating and security of data stored in databases. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Cognos to include the details of authorization levels. Because businesses are multilevel and multi structured the need has arisen to protect data and to have access levels for different users based on the information that they need to know. Authorization levels in Cognos allow the managers and users to know what information they can access or allow others to access. The benefit is greater security for the data.

13.   Regarding claim 7, Cognos teaches defining relevant fields from relevant tables from relevant databases (pg. 10-12). Cognos teaches defining how data from said relevant fields forms information for the end user of said business process support system application (pg. 8, 10-12) Cognos teaches defining how said information can be used by said end user (pg. 5). Cognos teaches accessing data and users accessing data but does not specifically go into authorization layers. However, Nguyen teaches defining the authorization of each end user (¶ 31). Cognos teaches an end-to-end

integrated warehousing analysis and reporting program. Nguyen teaches the updating

and security of data stored in databases. It would have been obvious to one of ordinary

skill in the art at the time of the invention to modify Cognos to include the details of

authorization levels. Because businesses are multilevel and multi structured the need

has arisen to protect data and to have access levels for different users based on the

information that they need to know. Authorization levels in Cognos allow the managers

and users to know what information they can access or allow others to access. The

benefit is greater security for the data.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to JAMIE H. SWARTZ whose telephone number is

(571)272-7363. The examiner can normally be reached on 8:00am-4:30pm Monday-

Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kambiz Abdi can be reached on (571)272-6702. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. H. S./
Examiner, Art Unit 3684

/Jennifer Liversedge/
Primary Examiner, Art Unit 3684